



Jim Doyle, Governor
Mary P. Burke, Secretary

Wisconsin Department of Commerce, Bureau of PECFA Bid Document

SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

Bid Round: 47
Comm #: 53039-9614-32-A
BRRTS #: 03-14-284214
Site Name: Lycon, Inc.
Site Address: N6932 State Road 26, Juneau, 53039
Site Manager: Denise Nettesheim
Address: 3911 Fish Hatchery Road
City, State Zip: Fitchburg, WI 53711-5367
Phone: (608) 275-3209
e-mail: Denise.Nettesheim@Wisconsin.Gov
Bid Manager: Lee Delcore
Address: 101 West Pleasant Street, Suite 100A
City, State Zip: Milwaukee, Wisconsin 53212-3963
Phone: (414) 220-5403
e-mail: Lee.Delcore@Wisconsin.Gov

| | |
|---|-------------------------------------|
| Bid-Start Date: | January 22, 2007 |
| Questions must be received by (See Section 2 (B)): | February 5, 2007 4:00 PM |
| Responses will be posted by (See Section 2 (B)): | February 23, 2007 |
| Bid-End Date and Time: | March 9, 2007 4:00 PM |

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

Action Legal-Madison, 1 East Main, Madison, WI 53703
Phone: (608) 663-1041 Fax: (608) 663-1045

SECTION 2 – Site-Specific Bid Requirements

General Comments

The property is currently used as a ready-mix concrete facility. Three underground petroleum storage tanks formerly used at the property were abandoned in place. The USTs included two diesel tanks (3,000 & 8,000 gallon) and one 500-gallon gasoline tank. Contamination was discovered in 2001, during an environmental site assessment.

The site is underlain by approximately varying layers of fill, sandy silt and silty clay to 31 feet (ft) below ground surface (bgs), the maximum depth explored. Bedrock is expected to be at approximately 34 ft. bgs. The water table is present at 4 to 12 ft. bgs and fluctuates up to seven ft. Groundwater flow direction is generally to the southeast.

There are two private wells located on site. Both wells are cased to 34 ft. bgs to bedrock, with open boreholes to 395 ft. and 253 ft. bgs. Contamination below PALs was detected in PW1 in 2002.

Minimum Remedial Requirements

Excavation

Contaminated soil shall be remediated by means of soil excavation and off-site disposal. The area of excavation shall include, but not be limited to the area of borings GB9, GB10, GB14, GB17, GB18 and GB21, and all other soils exceeding NR 746.06 Table 1 values and/or Table 2 values (all direct contact hazards present in the upper four feet need to be addressed). The excavation should extend to as close to the metal shed building as possible without compromising the integrity of the building structure and/or foundation. For purposes of the bid, a minimum of 1,500 tons of contaminated soil should be excavated and disposed of off-site. Concrete covers the site and may be up to two feet thick in the excavation area. The concrete removed for the excavation must also be disposed of off-site. The use of field screening or other appropriate technology is required in order to segregate clean excavated soil from contaminated soil for disposal.

The excavation shall extend to 12 ft. bgs, and should be back-filled with the clean soils segregated during excavation activities, as well as imported, clean, like material (silt and/or clay-rich soils). The backfill must be thoroughly compacted. Confirmation base and sidewall soil samples must be collected in accordance with DNR guidelines. Soil samples must be analyzed for PVOCs and PAHs.

A 500-gallon gasoline underground storage tank (formerly abandoned in place) will likely be encountered during the excavation activities and must be removed. Tank removal costs are not reimbursable through PECFA.

The bid response shall include a description and drawing depicting the aerial extent of the proposed excavation.

The excavation will extend below where the highest water table elevation has been measured. The excavation may need to be dewatered. Any groundwater that enters into the excavation shall be pumped out during the excavation activities if

necessary. For purposes of bidding, assume 2,000 gallons to be pumped and properly disposed of. The consultant that is awarded the bid contract shall determine the most feasible way to conduct the groundwater pumping, due to an unknown rate of groundwater recharge.

Monitoring Well Replacement

Monitoring wells MW6 and PZ6 will have to be abandoned prior to excavation activities. MW6 will need to be replaced. Hollow stem auger drilling was used to install monitoring wells at the site. The replacement well (MW6R) should be installed to the same depth as the well it is replacing and the installation and abandonment activities must comply with ch. NR 141, Wis. Adm. Code. The new well shall be surveyed in according to the requirements of ch. NR 141. Well installation documentation must be included in the remedial construction documentation report.

Well Installation

Install a water table monitoring well (MW8) due east of the current location of monitoring well MW6 just across (east of) the state trail. The well installation and survey of the location must comply with ch. NR 141, Wis. Adm. Code. Documentation of the well installation including boring logs, well construction diagrams, and well development forms must be included in the remedial construction report. An access agreement with the off-site property owner will be needed before installing the well. Contact the DNR project manager prior to well installation to confirm the location.

Groundwater Monitoring

Conduct 1.5 years of groundwater sampling and analysis according to the following schedule. Analyze groundwater for petroleum volatile organic compounds (PVOCs) and naphthalene in all wells. Natural attenuation (NA) parameters must be sampled for in all monitoring wells in one round. At minimum, NA parameters must include dissolved oxygen, ferrous iron, nitrate, and sulfate.

| Well | Quarterly | Semi-Annually | Annually |
|---|-----------------------|------------------------|-----------------------|
| MW4, MW6R | X (first year) | X (second year) | |
| MW1, MW2, MW5, MW8, on-site private wells (PW1 & PW2) | | X | |
| MW3, MW7 | | | X (two rounds) |

Groundwater elevations must be measured in all monitoring wells, reported in tabular form, groundwater flow diagrams prepared and horizontal gradients determined for each sampling round.

The bid shall include costs for disposal of all investigative/remediation wastes.

Reporting

Upon completion of excavation and replacement well installation activities, a detailed remedial construction report, documenting the excavation activities and analytical results shall be prepared and submitted to DNR.

After one year of post-excavation groundwater sampling, submit a brief report to DNR that documents groundwater-sampling results to date.

Completion of SOW / Closure Submittal

While this bid is not a bid to closure, there is a possibility of attaining closure at the conclusion of the scope of work (SOW) conducted under this bid. Upon completion of the SOW discussed above, evaluate site conditions and all historical soil and groundwater analytical data, and evaluate the potential for closure consistent with the requirements of ch. NR 726, Wis. Adm. Code. Bid responses will include a separate cost to prepare and submit a complete closure report (including DNR Close Out Form) and GIS Registry packet (and all other closure related costs), for closure consideration by the DNR, if closure can be realized. The closure report must include all historical data and activities, and include the data results and documentation of the work activities completed in accordance with this bid.

If closure cannot be realized upon completion of the work scope discussed above, then a final report of data results and documentation of the work activities completed in accordance with this bid shall be submitted to the DNR. If closure is not realized, then the cost cap established by this bid will be modified less the amount of the closure-related costs.

SECTION 3 - Reporting Timeframes

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.

7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

SECTION 4 - Conditions of Bid

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

SECTION 5 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed directly to the program. Documents received by fax will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

SECTION 6 - Bidder Disqualification

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:
 - a. Pay subcontractors after receiving payment for them.
 - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

BID RESPONSE

(1st Page)

Department of Commerce PECFA Program

SITE NAME: Lycon, Inc.

COMMERCE #: 53039-9614-32-A

BRRTS #: 03-14-284214

Submit Bid Response To: Cathy Voges
Public Bid Response
Department of Commerce PECFA Bureau
201 W Washington Avenue, Madison, WI 53703-2790
or PO Box 8044, Madison, WI 53708-8044

Consulting Firm Name: _____

Complete Mailing _____

Address: _____

Telephone: () - _____

Fax Number: () - _____

e-mail Address: _____

Bidder (check one that applies):

| | | |
|--------------------------|------------------------|-----------------|
| <input type="checkbox"/> | Professional Engineer | License # _____ |
| <input type="checkbox"/> | Professional Geologist | License # _____ |
| <input type="checkbox"/> | Hydrologist | License # _____ |
| <input type="checkbox"/> | Soil Scientist | License # _____ |



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ _____

Print Name: _____

Title: _____

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: _____

BID RESPONSE

(2nd Page)

Department of Commerce PECFA Program

SITE NAME: Lycon, Inc.

COMMERCE #: 53039-9614-32-A

BRRTS #: 03-14-284214

Consulting Firm Name: _____

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

| Bid Scope of Work | | | |
|--------------------------|---|----|--|
| 1 | <u>Excavation</u> – All costs associated with the excavation, sampling, handling, and disposal of 1,500 tons of contaminated soil and additional concrete overburden, including backfilling and report preparation. | \$ | |
| 2 | <u>Monitoring Well Replacement & Installation</u> - Monitoring well installation (MW8), abandonments (MW6 & PZ6), replacement (MW6R) and all associated activities. | \$ | |
| 3 | <u>Groundwater Monitoring</u> -1.5 years of groundwater monitoring and associated waste disposal. | \$ | |
| 4 | <u>Reporting</u> – Data preparation and reporting (non-closure) including post-excavation first-year report to DNR and final report if closure is not appropriate. | \$ | |
| 5 | <u>Closure-Related Costs</u> – including, but not limited to closure form and report and GIS requirements, if closure is appropriate. | \$ | |
| 6 | <u>PECFA Claim Preparation</u> | \$ | |
| 7 | <u>Total Bid Amount</u> | \$ | |
| Contingency Costs | | | |
| 1 | Contingency cost for additional contaminated soil excavation and disposal (\$/ton) (commodity costs only). | \$ | |
| 2 | Contingency cost for removal and disposal of 2,000 gallons of contaminated groundwater from excavation (consultant & commodity costs). | \$ | |
| 3 | Contingency unit rate (\$/gallon) for additional (>2,000 gallons) removal and disposal of contaminated groundwater from excavation (commodity costs only). | \$ | |
| 4 | Contingency costs for abandonment of all monitoring wells if closure is approved at the end of the bid scope of work. | \$ | |